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8 *Attorney for Defendants*
9 *Travis Marker, The Law Office of Travis R.*
10 *Marker, a Professional Corporation and*
11 *Parlay Law Group, a Professional*
12 *Corporation*

13
14
15 **UNITED STATES DISTRICT COURT**
16 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

17 DAVID HOUGH; *et al.*

18 Plaintiffs

19 v.

20 RYAN CARROLL; *et al.*

21 Defendants.

22 Case No.: 2:24-cv-02886-WLH-SK

23 Before the Hon. Wesley L. Hsu

24 **Defendants Travis Marker, The
Law Office of Travis R. Marker,
and Parlay Law Group's Answer to
the Second Amended Complaint;
Jury Demand**

25 Date Action Filed: April 9, 2024
26 Sec. Am. Compl. Filed: Dec. 4, 2024
27 Trial Date: TBD

28
29 Defendants Travis Marker, The Law Office of Travis R. Marker, , and Parlay
30 Law Group (collectively the “Marker Defendants”), by and through counsel of
31 record, Steven H. Bergman of RICHARDS BRANDT MILLER NELSON, and pursuant to
32 Rules 8 and 12 of the Federal Rules of Civil Procedure, hereby answer Plaintiffs’
33 Second Amended Complaint (“SAC”) as follows:

34
35 **Jurisdiction and Venue**

36 1. The Marker Defendants have insufficient information to admit or deny
37 the allegations contained in this paragraph of the SAC and therefore deny them.

2. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

3. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

4. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

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10. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

11. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

12. The Marker Defendants have insufficient information to admit or deny the allegations in this paragraph of the SAC and therefore deny them.

Summary of Case

14. The Marker Defendants have insufficient information to admit or deny the allegations in this paragraph of the SAC and therefore deny them.

1 15. The Marker Defendants have insufficient information to admit or deny
2 the allegations in this paragraph of the SAC and therefore deny them.

3 16. The Marker Defendants have insufficient information to admit or deny
4 the allegations in this paragraph of the SAC and therefore deny them.

5 17. The Marker Defendants have insufficient information to admit or deny
6 the allegations in this paragraph of the SAC and therefore deny them.

7 18. The Marker Defendants have insufficient information to admit or deny
8 the allegations in this paragraph of the SAC and therefore deny them.

9 19. The Marker Defendants have insufficient information to admit or deny
10 the allegations in this paragraph of the SAC and therefore deny them.

11 20. The Marker Defendants have insufficient information to admit or deny
12 the allegations in this paragraph of the SAC and therefore deny them.

13 21. The Marker Defendants have insufficient information to admit or deny
14 the allegations in this paragraph of the SAC and therefore deny them.

15 22. The Marker Defendants have insufficient information to admit or deny
16 the allegations in this paragraph of the SAC and therefore deny them.

17 23. The Marker Defendants have insufficient information to admit or deny
18 the allegations in this paragraph of the SAC and therefore deny them.

19 24. The Marker Defendants have insufficient information to admit or deny
20 the allegations in this paragraph of the SAC and therefore deny them.

21 25. The Marker Defendants have insufficient information to admit or deny
22 the allegations in this paragraph of the SAC and therefore deny them.

23 26. The Marker Defendants have insufficient information to admit or deny
24 the allegations in this paragraph of the SAC and therefore deny them.

25 27. The Marker Defendants have insufficient information to admit or deny
26 the allegations in this paragraph of the SAC and therefore deny them.

27 28. The Marker Defendants have insufficient information to admit or deny
28 the allegations in this paragraph of the SAC and therefore deny them.

1 29. The Marker Defendants deny they helped Wealth Assistants by
2 preventing Plaintiffs from recovering the money that Wealth Assistants allegedly
3 stole from them. The Marker Defendants deny they helped Wealth Assistants conceal
4 the proceeds of Wealth Assistants' alleged fraudulent scheme. The Marker
5 Defendants deny instructing Wealth Assistants' clients to make discrete small
6 payments into different credit card readers. The Marker Defendants further state that
7 they only sent chip readers to clients who had communicated a desire to run large
8 transactions over \$25,000. The Marker Defendants admit that Travis Marker acted
9 through his two law offices, Defendant Law Office of Travis R. Marker and
10 Defendant Parlay Law Group to serve as an "escrow agent" for Wealth Assistants.
11 The Marker Defendants admit that, in the capacity as an "escrow agent," Travis
12 Marker collected payments from Wealth Assistants' clients and then passed them to
13 bank accounts controlled by Wealth Assistants. The Marker Defendants deny the
14 remaining allegations of this paragraph of the SAC for lack of sufficient knowledge
15 or information.

16 30. The Marker Defendants have insufficient information to admit or deny
17 the allegations contained in this paragraph of the SAC and therefore deny them.

18 31. The Marker Defendants have insufficient information to admit or deny
19 the allegations contained in this paragraph of the SAC and therefore deny them.

20 32. The Marker Defendants have insufficient information to admit or deny
21 the allegations contained in this paragraph of the SAC and therefore deny them.

22 33. The Marker Defendants have insufficient information to admit or deny
23 the allegations contained in this paragraph of the SAC and therefore deny them.

24 34. The Marker Defendants have insufficient information to admit or deny
25 the allegations contained in this paragraph of the SAC and therefore deny them.

Class Representatives

27 35. The Marker Defendants have insufficient information to admit or deny
28 the allegations contained in this paragraph of the SAC and therefore deny them.

36. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

37. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

38. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

Defendants

A. Human Defendants

39. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

40. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

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47. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

48. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

1 49. Admitted.

2 **B. Wealth Assistants Entity Defendants**

3 50. The Marker Defendants have insufficient information to admit or deny
4 the allegations contained in this paragraph of the SAC and therefore deny them.

5 51. The Marker Defendants have insufficient information to admit or deny
6 the allegations contained in this paragraph of the SAC and therefore deny them.

7 52. The Marker Defendants have insufficient information to admit or deny
8 the allegations contained in this paragraph of the SAC and therefore deny them.

9 53. The Marker Defendants have insufficient information to admit or deny
10 the allegations contained in this paragraph of the SAC and therefore deny them.

11 54. The Marker Defendants have insufficient information to admit or deny
12 the allegations contained in this paragraph of the SAC and therefore deny them.

13 **C. Alter Ego Defendants**

14 55. The Marker Defendants have insufficient information to admit or deny
15 the allegations contained in this paragraph of the SAC and therefore deny them.

16 56. The Marker Defendants have insufficient information to admit or deny
17 the allegations contained in this paragraph of the SAC and therefore deny them.

18 57. The Marker Defendants have insufficient information to admit or deny
19 the allegations contained in this paragraph of the SAC and therefore deny them.

20 58. The Marker Defendants have insufficient information to admit or deny
21 the allegations contained in this paragraph of the SAC and therefore deny them.

22 59. The Marker Defendants have insufficient information to admit or deny
23 the allegations contained in this paragraph of the SAC and therefore deny them.

24 60. The Marker Defendants have insufficient information to admit or deny
25 the allegations contained in this paragraph of the SAC and therefore deny them.

26 61. The Marker Defendants have insufficient information to admit or deny
27 the allegations contained in this paragraph of the SAC and therefore deny them.

1 62. The Marker Defendants have insufficient information to admit or deny
2 the allegations contained in this paragraph of the SAC and therefore deny them.

3 63. The Marker Defendants have insufficient information to admit or deny
4 the allegations contained in this paragraph of the SAC and therefore deny them.

5 64. The Marker Defendants have insufficient information to admit or deny
6 the allegations contained in this paragraph of the SAC and therefore deny them.

7 65. The Marker Defendants have insufficient information to admit or deny
8 the allegations contained in this paragraph of the SAC and therefore deny them.

9 66. The Marker Defendants have insufficient information to admit or deny
10 the allegations contained in this paragraph of the SAC and therefore deny them.

11 67. The Marker Defendants have insufficient information to admit or deny
12 the allegations contained in this paragraph of the SAC and therefore deny them.

13 **D. Defendant Precision Trading LLC**

14 68. The Marker Defendants have insufficient information to admit or deny
15 the allegations contained in this paragraph of the SAC and therefore deny them.

16 **E. Quantum-Wholesale Partnership Defendants**

17 69. The Marker Defendants have insufficient information to admit or deny
18 the allegations contained in this paragraph of the SAC and therefore deny them.

19 70. The Marker Defendants have insufficient information to admit or deny
20 the allegations contained in this paragraph of the SAC and therefore deny them.

21 **F. Payment Processing Defendants**

22 71. Admitted.

23 72. The Marker Defendants have insufficient information to admit or deny
24 the allegations contained in this paragraph of the SAC and therefore deny them.

25 73. The Marker Defendants have insufficient information to admit or deny
26 the allegations contained in this paragraph of the SAC and therefore deny them.

27 74. The Marker Defendants have insufficient information to admit or deny
28 the allegations contained in this paragraph of the SAC and therefore deny them.

75. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

Facts

A. Wealth Assistants' Misrepresentations About Its Services

76. The Marker Defendants deny any involvement or role in the creation of the terms and any duty to fulfill the terms. The Marker Defendants deny the remaining allegations of this paragraph of the SAC for the lack of sufficient information or knowledge.

77. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

78. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

79. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

80. The Marker Defendants deny that they had any involvement or played any role in the creation of the terms in this paragraph and any duty to fulfill the terms. The Marker Defendants deny the remaining allegations of this paragraph of the SAC for the lack of sufficient information or knowledge.

81. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

B. Wealth Assistants' Marketing

82. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

83. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

84. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

85. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

86. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

87. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

C. Plaintiffs' Experiences with Wealth Assistants

88. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

89. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

90. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

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97. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

1 98. The Marker Defendants have insufficient information to admit or deny
2 the allegations contained in this paragraph of the SAC and therefore deny them.

3 99. The Marker Defendants have insufficient information to admit or deny
4 the allegations contained in this paragraph of the SAC and therefore deny them.

5 100. The Marker Defendants have insufficient information to admit or deny
6 the allegations contained in this paragraph of the SAC and therefore deny them.

7 101. The Marker Defendants have insufficient information to admit or deny
8 the allegations contained in this paragraph of the SAC and therefore deny them.

9 102. The Marker Defendants have insufficient information to admit or deny
10 the allegations contained in this paragraph of the SAC and therefore deny them.

11 103. The Marker Defendants have insufficient information to admit or deny
12 the allegations contained in this paragraph of the SAC and therefore deny them.

13 104. The Marker Defendants have insufficient information to admit or deny
14 the allegations contained in this paragraph of the SAC and therefore deny them.

15 105. The Marker Defendants have insufficient information to admit or deny
16 the allegations contained in this paragraph of the SAC and therefore deny them.

17 106. The Marker Defendants have insufficient information to admit or deny
18 the allegations contained in this paragraph of the SAC and therefore deny them.

19 107. The Marker Defendants have insufficient information to admit or deny
20 the allegations contained in this paragraph of the SAC and therefore deny them.

21 108. The Marker Defendants have insufficient information to admit or deny
22 the allegations contained in this paragraph of the SAC and therefore deny them.

23 **D. Wealth Assistants Announced It Was Shutting Down and**
24 **Fraudulently Transferred Many of Its Assets to Ryan Carroll,**
25 **Michael Day, Max K. Day, and Max O. Day**

26 109. The Marker Defendants have insufficient information to admit or deny
27 the allegations contained in this paragraph of the SAC and therefore deny them.

28 110. The Marker Defendants have insufficient information to admit or deny
the allegations contained in this paragraph of the SAC and therefore deny them.

111. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

112. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

113. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

114. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

E. Proficient Supply LLC Is Part of Wealth Assistants

115. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

116. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

117. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

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123. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

1 124. The Marker Defendants have insufficient information to admit or deny
2 the allegations contained in this paragraph of the SAC and therefore deny them.

3 125. The Marker Defendants have insufficient information to admit or deny
4 the allegations contained in this paragraph of the SAC and therefore deny them.

5 **F. When Wealth Assistants Shut Down, It Transitioned Many of Its
6 Clients' Accounts and Assets to the Quantum-Wholesale
Partnership**

7 126. The Marker Defendants have insufficient information to admit or deny
8 the allegations contained in this paragraph of the SAC and therefore deny them.

9 127. The Marker Defendants have insufficient information to admit or deny
10 the allegations contained in this paragraph of the SAC and therefore deny them.

11 128. The Marker Defendants have insufficient information to admit or deny
12 the allegations contained in this paragraph of the SAC and therefore deny them.

13 129. The Marker Defendants have insufficient information to admit or deny
14 the allegations contained in this paragraph of the SAC and therefore deny them.

15 130. The Marker Defendants have insufficient information to admit or deny
16 the allegations contained in this paragraph of the SAC and therefore deny them.

17 131. The Marker Defendants have insufficient information to admit or deny
18 the allegations contained in this paragraph of the SAC and therefore deny them.

19 132. The Marker Defendants have insufficient information to admit or deny
20 the allegations contained in this paragraph of the SAC and therefore deny them.

21 133. The Marker Defendants have insufficient information to admit or deny
22 the allegations contained in this paragraph of the SAC and therefore deny them.

23 134. The Marker Defendants have insufficient information to admit or deny
24 the allegations contained in this paragraph of the SAC and therefore deny them.

25 135. The Marker Defendants have insufficient information to admit or deny
26 the allegations contained in this paragraph of the SAC and therefore deny them.

27 136. The Marker Defendants have insufficient information to admit or deny
28 the allegations contained in this paragraph of the SAC and therefore deny them.

1 137. The Marker Defendants have insufficient information to admit or deny
2 the allegations contained in this paragraph of the SAC and therefore deny them.

3 138. The Marker Defendants have insufficient information to admit or deny
4 the allegations contained in this paragraph of the SAC and therefore deny them.

5 139. The Marker Defendants have insufficient information to admit or deny
6 the allegations contained in this paragraph of the SAC and therefore deny them.

7 140. The Marker Defendants have insufficient information to admit or deny
8 the allegations contained in this paragraph of the SAC and therefore deny them.

9 141. The Marker Defendants have insufficient information to admit or deny
10 the allegations contained in this paragraph of the SAC and therefore deny them.

11 **G. The Payment Processor Defendants Conspired with Wealth
12 Assistants to Help It Conceal Assets from Plaintiffs**

13 **i. Wealth Assistants Payment Processing Strategy**

14 142. The Marker Defendants have insufficient information to admit or deny
15 the allegations contained in this paragraph of the SAC and therefore deny them.

16 143. The Marker Defendants have insufficient information to admit or deny
17 the allegations contained in this paragraph of the SAC and therefore deny them.

18 144. The Marker Defendants have insufficient information to admit or deny
19 the allegations contained in this paragraph of the SAC and therefore deny them.

20 145. The Marker Defendants have insufficient information to admit or deny
21 the allegations contained in this paragraph of the SAC and therefore deny them.

22 146. The Marker Defendants have insufficient information to admit or deny
23 the allegations contained in this paragraph of the SAC and therefore deny them.

24 147. The Marker Defendants have insufficient information to admit or deny
25 the allegations contained in this paragraph of the SAC and therefore deny them.

26 **ii. Travis Marker's Knowledge of And Substantial Assistance with
27 the Payment Processing Strategy**

28 148. Admitted.

149. Admitted.

150. The Marker Defendants deny instructing Wealth Assistants' clients to make discrete small payments. The Marker Defendants further state that they only sent chip readers to clients who had communicated a desire to run large transactions over \$25,000.

151. Denied as the Marker Defendants never told a Wealth Assistants client that a single credit card reader could only process a small amount of payments at one time. The Marker Defendants further state that they would only send a client two chip readers if the client had two different processing accounts. And each credit card reader was for large transactions over \$25,000 only.

10 152. Denied.

iii. Banks' Anti Money Laundering Obligations:

153. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

154. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

155. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

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160. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

1 161. The Marker Defendants have insufficient information to admit or deny
2 the allegations of this paragraph of the SAC and therefore deny them.

3 162. The Marker Defendants have insufficient information to admit or deny
4 the allegations of this paragraph of the SAC and therefore deny them.

5 163. The Marker Defendants have insufficient information to admit or deny
6 the allegations of this paragraph of the SAC and therefore deny them.

7 164. The Marker Defendants have insufficient information to admit or deny
8 the allegations of this paragraph of the SAC and therefore deny them.

9 165. The Marker Defendants have insufficient information to admit or deny
10 the allegations of this paragraph of the SAC and therefore deny them.

11 166. The Marker Defendants have insufficient information to admit or deny
12 the allegations of this paragraph of the SAC and therefore deny them.

13 iv. **Banks of America's Participation in and Knowledge of the**
14 **Payment Processing Strategy**

15 167. The Marker Defendants have insufficient information to admit or deny
16 the allegations of this paragraph of the SAC and therefore deny them.

17 168. The Marker Defendants have insufficient information to admit or deny
18 the allegations of this paragraph of the SAC and therefore deny them.

19 169. The Marker Defendants have insufficient information to admit or deny
20 the allegations of this paragraph of the SAC and therefore deny them.

21 170. The Marker Defendants have insufficient information to admit or deny
22 the allegations of this paragraph of the SAC and therefore deny them.

23 171. The Marker Defendants have insufficient information to admit or deny
24 the allegations of this paragraph of the SAC and therefore deny them.

25 172. The Marker Defendants have insufficient information to admit or deny
26 the allegations of this paragraph of the SAC and therefore deny them.

27 173. The Marker Defendants have insufficient information to admit or deny
28 the allegations of this paragraph of the SAC and therefore deny them.

1 174. The Marker Defendants have insufficient information to admit or deny
2 the allegations of this paragraph of the SAC and therefore deny them.

3 175. The Marker Defendants have insufficient information to admit or deny
4 the allegations of this paragraph of the SAC and therefore deny them.

5 176. The Marker Defendants have insufficient information to admit or deny
6 the allegations of this paragraph of the SAC and therefore deny them.

7 177. The Marker Defendants have insufficient information to admit or deny
8 the allegations of this paragraph of the SAC and therefore deny them.

9 178. The Marker Defendants have insufficient information to admit or deny
10 the allegations of this paragraph of the SAC and therefore deny them.

11 179. The Marker Defendants have insufficient information to admit or deny
12 the allegations of this paragraph of the SAC and therefore deny them.

13 180. The Marker Defendants have insufficient information to admit or deny
14 the allegations of this paragraph of the SAC and therefore deny them.

15 181. The Marker Defendants have insufficient information to admit or deny
16 the allegations of this paragraph of the SAC and therefore deny them.

17 182. The Marker Defendants have insufficient information to admit or deny
18 the allegations of this paragraph of the SAC and therefore deny them.

19 183. The Marker Defendants have insufficient information to admit or deny
20 the allegations of this paragraph of the SAC and therefore deny them.

21 184. The Marker Defendants have insufficient information to admit or deny
22 the allegations of this paragraph of the SAC and therefore deny them.

23 185. The Marker Defendants have insufficient information to admit or deny
24 the allegations of this paragraph of the SAC and therefore deny them.

25 186. The Marker Defendants have insufficient information to admit or deny
26 the allegations of this paragraph of the SAC and therefore deny them.

27 187. The Marker Defendants have insufficient information to admit or deny
28 the allegations of this paragraph of the SAC and therefore deny them.

1 188. The Marker Defendants have insufficient information to admit or deny
2 the allegations of this paragraph of the SAC and therefore deny them.

3 189. The Marker Defendants have insufficient information to admit or deny
4 the allegations of this paragraph of the SAC and therefore deny them.

5 190. The Marker Defendants have insufficient information to admit or deny
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7 191. The Marker Defendants have insufficient information to admit or deny
8 the allegations of this paragraph of the SAC and therefore deny them.

9 192. The Marker Defendants have insufficient information to admit or deny
10 the allegations of this paragraph of the SAC and therefore deny them.

11 193. The Marker Defendants have insufficient information to admit or deny
12 the allegations of this paragraph of the SAC and therefore deny them.

13 v. **Wells Fargo's Agent Total-Apps Knew of and Substantially**
14 **Assisted with The Payment Processing Strategy**

15 194. The Marker Defendants have insufficient information to admit or deny
16 the allegations of this paragraph of the SAC and therefore deny them.

17 195. The Marker Defendants have insufficient information to admit or deny
18 the allegations of this paragraph of the SAC and therefore deny them.

19 196. The Marker Defendants have insufficient information to admit or deny
20 the allegations of this paragraph of the SAC and therefore deny them.

21 197. The Marker Defendants have insufficient information to admit or deny
22 the allegations of this paragraph of the SAC and therefore deny them.

23 198. The Marker Defendants have insufficient information to admit or deny
24 the allegations of this paragraph of the SAC and therefore deny them.

25 199. The Marker Defendants have insufficient information to admit or deny
26 the allegations of this paragraph of the SAC and therefore deny them.

27 200. The Marker Defendants have insufficient information to admit or deny
28 the allegations of this paragraph of the SAC and therefore deny them.

201. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

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211. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

212. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

213. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

vi. **Wells Fargo's Other Knowledge of And Substantial Participation in the Payment Processing Activities:**

214. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

215. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

216. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

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222. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

223. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

224. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

225. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

226. The Marker Defendants have insufficient information to admit or deny the allegations of this paragraph of the SAC and therefore deny them.

1 227. The Marker Defendants have insufficient information to admit or deny
2 the allegations of this paragraph of the SAC and therefore deny them.

3 228. The Marker Defendants have insufficient information to admit or deny
4 the allegations of this paragraph of the SAC and therefore deny them.

5 229. The Marker Defendants have insufficient information to admit or deny
6 the allegations of this paragraph of the SAC and therefore deny them.

7 230. The Marker Defendants have insufficient information to admit or deny
8 the allegations of this paragraph of the SAC and therefore deny them.

9 231. The Marker Defendants have insufficient information to admit or deny
10 the allegations of this paragraph of the SAC and therefore deny them.

11 232. The Marker Defendants have insufficient information to admit or deny
12 the allegations of this paragraph of the SAC and therefore deny them.

13 233. The Marker Defendants have insufficient information to admit or deny
14 the allegations of this paragraph of the SAC and therefore deny them.

15 234. The Marker Defendants have insufficient information to admit or deny
16 the allegations of this paragraph of the SAC and therefore deny them.

17 235. The Marker Defendants have insufficient information to admit or deny
18 the allegations of this paragraph of the SAC and therefore deny them.

19 236. The Marker Defendants have insufficient information to admit or deny
20 the allegations of this paragraph of the SAC and therefore deny them.

21 237. No responses are required for this paragraph as this paragraph is left
22 blank.

23 238. The Marker Defendants have insufficient information to admit or deny
24 the allegations of this paragraph of the SAC and therefore deny them.

25 239. The Marker Defendants have insufficient information to admit or deny
26 the allegations of this paragraph of the SAC and therefore deny them.

27 240. The Marker Defendants have insufficient information to admit or deny
28 the allegations of this paragraph of the SAC and therefore deny them.

1 241. The Marker Defendants have insufficient information to admit or deny
2 the allegations of this paragraph of the SAC and therefore deny them.

3 242. The Marker Defendants have insufficient information to admit or deny
4 the allegations of this paragraph of the SAC and therefore deny them.

5 243. The Marker Defendants have insufficient information to admit or deny
6 the allegations of this paragraph of the SAC and therefore deny them.

7 244. The Marker Defendants have insufficient information to admit or deny
8 the allegations of this paragraph of the SAC and therefore deny them.

9 **vii. First Citizen Bank's Knowledge of and Substantial**
10 **Participation in the Payment Processing Strategy**

11 245. The Marker Defendants have insufficient information to admit or deny
12 the allegations of this paragraph of the SAC and therefore deny them.

13 246. The Marker Defendants have insufficient information to admit or deny
14 the allegations of this paragraph of the SAC and therefore deny them.

15 247. The Marker Defendants have insufficient information to admit or deny
16 the allegations of this paragraph of the SAC and therefore deny them.

17 248. The Marker Defendants have insufficient information to admit or deny
18 the allegations of this paragraph of the SAC and therefore deny them.

19 249. The Marker Defendants have insufficient information to admit or deny
20 the allegations of this paragraph of the SAC and therefore deny them.

21 250. The Marker Defendants have insufficient information to admit or deny
22 the allegations of this paragraph of the SAC and therefore deny them.

23 251. The Marker Defendants have insufficient information to admit or deny
24 the allegations of this paragraph of the SAC and therefore deny them.

25 252. The Marker Defendants have insufficient information to admit or deny
26 the allegations of this paragraph of the SAC and therefore deny them.

27 253. The Marker Defendants have insufficient information to admit or deny
28 the allegations of this paragraph of the SAC and therefore deny them.

1 254. The Marker Defendants have insufficient information to admit or deny
2 the allegations of this paragraph of the SAC and therefore deny them.

3 255. The Marker Defendants have insufficient information to admit or deny
4 the allegations of this paragraph of the SAC and therefore deny them.

5 256. The Marker Defendants have insufficient information to admit or deny
6 the allegations of this paragraph of the SAC and therefore deny them.

7 257. The Marker Defendants have insufficient information to admit or deny
8 the allegations of this paragraph of the SAC and therefore deny them.

9 **H. The Human Defendants All Conspired to Carry Out the Fraud
10 Described Above**

11 258. The Marker Defendants deny any connection to the alleged conspiracy,
12 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
13 defraud any clients or parties to this action. The Marker Defendants have insufficient
14 information to admit or deny the rest of the allegations contained in this paragraph of
15 the SAC and therefore deny them, including all subparts.

16 259. The Marker Defendants deny any connection to the alleged conspiracy,
17 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
18 defraud any clients or parties to this action. The Marker Defendants have insufficient
19 information to admit or deny the rest of the allegations contained in this paragraph of
20 the SAC and therefore deny them, including all subparts.

21 260. The Marker Defendants deny any connection to the alleged conspiracy,
22 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
23 defraud any clients or parties to this action. The Marker Defendants have insufficient
24 information to admit or deny the rest of the allegations contained in this paragraph of
25 the SAC and therefore deny them.

26 261. The Marker Defendants deny any connection to the alleged conspiracy,
27 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
28 defraud any clients or parties to this action. The Marker Defendants have insufficient

1 information to admit or deny the rest of the allegations contained in this paragraph of
2 the SAC and therefore deny them.

3 262. The Marker Defendants deny any connection to the alleged conspiracy,
4 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
5 defraud any clients or parties to this action. The Marker Defendants have insufficient
6 information to admit or deny the rest of the allegations contained in this paragraph of
7 the SAC and therefore deny them.

8 263. The Marker Defendants deny any connection to the alleged conspiracy,
9 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
10 defraud any clients or parties to this action. The Marker Defendants have insufficient
11 information to admit or deny the rest of the allegations contained in this paragraph of
12 the SAC and therefore deny them, including all the subparts.

13 264. The Marker Defendants deny any connection to the alleged conspiracy,
14 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
15 defraud any clients or parties to this action. The Marker Defendants have insufficient
16 information to admit or deny the rest of the allegations contained in this paragraph of
17 the SAC and therefore deny them.

18 265. The Marker Defendants deny any connection to the alleged conspiracy,
19 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
20 defraud any clients or parties to this action. The Marker Defendants have insufficient
21 information to admit or deny the rest of the allegations contained in this paragraph of
22 the SAC and therefore deny them.

23 266. The Marker Defendants deny any connection to the alleged conspiracy,
24 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
25 defraud any clients or parties to this action. The Marker Defendants have insufficient
26 information to admit or deny the rest of the allegations contained in this paragraph
27 and therefore deny them.

28

267. The Marker Defendants deny any connection to the alleged conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to defraud any clients or parties to this action. The Marker Defendants have insufficient information to admit or deny the rest of the allegations contained in this paragraph and therefore deny them.

268. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

269. The Marker Defendants admit that Travis Marker is the owner and control person of Marker Law and Parlay Law Group. The Marker Defendants deny the remaining allegations of Paragraph 269 of the SAC.

270. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

Class Action Allegations

271. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

272. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

273. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

274. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

275. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

276. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

277. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

278. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

279. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the SAC and therefore deny them.

Causes of Action

Count One
Civil Conspiracy to Defraud Plaintiffs and Conceal Assets
(Against All Defendants)

280. The Marker Defendants restate and reallege each and every answer, denial, and affirmative defense asserted in response to Paragraphs 1-279 of the SAC and incorporate them by reference as if fully stated herein.

281. This paragraph states a legal conclusion to which no response is required. If a response is required, denied.

282. This paragraph states a legal conclusion to which no response is required. If a response is required, denied.

283. The Marker Defendants deny any connection to the alleged conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to defraud any clients or parties to this action. The Marker Defendants have insufficient information to admit or deny the rest of the allegations contained in this paragraph and therefore deny them.

284. The Marker Defendants deny any connection to the alleged conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to defraud any clients or parties to this action. The Marker Defendants have insufficient information to admit or deny the rest of the allegations contained in this paragraph and therefore deny them.

285. The Marker Defendants deny any connection to the alleged conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to defraud any clients or parties to this action. The Marker Defendants have insufficient

1 information to admit or deny the rest of the allegations contained in this paragraph
2 and therefore deny them.

3 286. The Marker Defendants have insufficient information to admit or deny
4 the allegations of this paragraph of the SAC and therefore deny them.

5 287. The Marker Defendants deny any connection to the alleged conspiracy,
6 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
7 defraud any clients or parties to this action. The Marker Defendants have insufficient
8 information to admit or deny the rest of the allegations contained in this paragraph
9 and therefore deny them.

10 288. The Marker Defendants deny any connection to the alleged conspiracy,
11 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
12 defraud any clients or parties to this action. The Marker Defendants have insufficient
13 information to admit or deny the rest of the allegations contained in this paragraph
14 and therefore deny them.

15 289. The Marker Defendants deny any connection to the alleged conspiracy,
16 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
17 defraud any clients or parties to this action. The Marker Defendants have insufficient
18 information to admit or deny the rest of the allegations contained in this paragraph
19 and therefore deny them.

20 290. The Marker Defendants deny any connection to the alleged conspiracy,
21 the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to
22 defraud any clients or parties to this action. The Marker Defendants have insufficient
23 information to admit or deny the rest of the allegations contained in this paragraph
24 and therefore deny them.

25 291. The Marker Defendants have insufficient information to admit or deny
26 the allegations of this paragraph of the SAC and therefore deny them. The Marker
27 Defendants further state that Plaintiffs are not entitled to any recovery or relief from
28 the Marker Defendants.

Count Two
Aiding and Abetting a Fraud
(Against All Defendants)

292. The Marker Defendants restate and reallege each and every answer denial and affirmative defense asserted in response to paragraphs 1-292 of the SAC and incorporate them by reference as if fully stated herein.

293. The Marker Defendants deny the allegations contained in this paragraph of the SAC.

294. The Marker Defendants deny the allegations contained in this paragraph of the SAC.

Count Three

**Fraudulently Transfer of Assets
(Against the Alter Ego Defendants, the Quantum-Wholesale
Partnership, Bonnie Nichols, and Troy Marchand—
Collectively, the “Recipient Defendants”)**

296-300. The Marker Defendants are not tendering an answer to this Count of the SAC as this Count is not directed against the Marker Defendants. However, to the extent that any of the allegations contained in this Count of the SAC could be construed against one or more of the Marker Defendants, then the Marker Defendants deny those allegations and assert each and every answer, denial, and affirmative defense asserted in response to all other Counts and allegations contained in the SAC.

Count Four

Aiding and Abetting a Breach of Fiduciary Duty (Against Wells Fargo Bank, N.A.; Bank of America; And First Citizens Bank)

301-306. The Marker Defendants are not tendering an answer to this Count of the SAC as this Count is not directed against the Marker Defendants. However, to the extent that any of the allegations contained in this Count of the SAC could be construed against one or more of the Marker Defendants, then the Marker Defendants deny those allegations and assert each and every answer, denial, and affirmative defense asserted in response to all other Counts and allegations in the SAC.

Except as expressly admitted above, the Marker Defendants deny each and every allegation of the Second Amended Complaint and state that Plaintiffs are not entitled to any recovery or relief as against the Marker Defendants.

Affirmative Defenses

First Affirmative Defense

The SAC fails to state a claim upon which relief can be granted as to the Marker Defendants and should thus be dismissed.

Second Affirmative Defense

Plaintiffs' claims are barred as against the Marker Defendants because this Court lacks personal jurisdiction over one or more of the Marker Defendants. As Plaintiffs admit, the Marker Defendants are all based in Utah and none of the Marker Defendants have operations in or minimum contacts with the State of California.

Third Affirmative Defense

The SAC fails to allege fraud with particularity.

Fourth Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot prove their fraud claims by clear and convincing evidence.

Fifth Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot establish that the Marker Defendants entered into an agreement with one or more of the other defendants to commit fraud.

Sixth Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot establish that one or more of the Marker Defendants became a member of the alleged conspiracy knowing of at least one of its objects and intending to help accomplish that object.

Seventh Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot prove that one or more of the Marker Defendants directly conspired with one or more alleged conspirators to carry out at least one of the objects of the alleged conspiracy.

Eighth Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot prove that one or more of the Marker Defendants knew or had reason to know that other conspirators were involved with those with whom one or more of the Marker Defendants allegedly directly conspired.

Ninth Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot prove that one or more of the Marker Defendants had reason to believe that whatever benefits said defendant might obtain from the conspiracy was dependent upon the success of the entire venture.

Tenth Affirmative Defense

To the extent one or more of the Marker Defendants knowingly or unknowingly became a member of the alleged conspiracy, which the Marker Defendants deny, said defendant withdrew from the alleged conspiracy before any overt act regarding the conspiracy occurred.

Eleventh Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot prove that one or more of the Marker Defendants made any false statements or representations.

Twelfth Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot establish that they relied on any false statement or representation made by one or more of the Marker Defendants or that such reliance was reasonable under the circumstances.

Thirteenth Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot establish that they were harmed or that Plaintiffs' reliance on any representation by one or more of the Marker Defendants was a substantial factor in causing any Plaintiff's harm.

Fourteenth Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot prove that one or more of the Marker Defendants concealed or attempted to conceal any assets.

Fifteenth Affirmative Defense

As against the Marker Defendants, the SAC, and each purported cause of action alleged therein, is barred in whole or in part by the applicable statutes of limitations.

Sixteenth Affirmative Defense

As against the Marker Defendants, Plaintiffs' claims are barred by the doctrine of unclean hands.

Seventeenth Affirmative Defense

As against the Marker Defendants, Plaintiffs' claims are barred by the doctrine of estoppel.

Eighteenth Affirmative Defense

As against the Marker Defendants, Plaintiffs and/or the putative class members relinquished and waived any right to any of the claims upon which Plaintiffs now seek relief.

Nineteenth Affirmative Defense

As against the Marker Defendants, Plaintiffs' claims are barred by the doctrine of laches.

Twentieth Affirmative Defense

As against the Marker Defendants, Plaintiffs' claims are barred because Plaintiffs, and each member of the putative class, acquiesced or consented to the conduct about which they now complain.

Twenty-First Affirmative Defense

As against the Marker Defendants, Plaintiffs' claims are barred, in whole or in part, because in doing the things alleged in the SAC, the Marker Defendants acted in reliance on misrepresentations by Plaintiffs and the putative class members.

Twenty-Second Affirmative Defense

As against the Marker Defendants, the SAC, and each purported cause of action alleged therein, is barred because Plaintiffs lack standing to state the claims alleged in the SAC and/or to assert the legal rights or interests of others.

Twenty-Third Affirmative Defense

As against the Marker Defendants, the SAC, and each purported cause of action alleged therein, does not state facts sufficient to certify a class. Therefore, this action is not properly brought as a class action.

Twenty-Fourth Affirmative Defense

As against the Marker Defendants, Plaintiffs are not proper representatives of the class they purport to represent and, accordingly, this action is not properly brought as a class action.

Twenty-Fifth Affirmative Defense

As against the Marker Defendants, Plaintiffs cannot maintain a representative or class action because the putative plaintiffs are not similarly situated.

Twenty-Sixth Affirmative Defense

The Marker Defendants are entitled to setoff, offset, and/or recoupment for amounts paid to Plaintiffs and/or any member of the putative class.

Twenty-Seventh Affirmative Defense

Any injury or damage allegedly suffered by Plaintiffs was caused or contributed to by the negligence, fault, bad faith, breach of contract, or other wrongful or tortious conduct of Plaintiffs and/or persons or entities other than the Marker Defendants, and such conduct offsets, eliminates or comparatively reduces the liability, if any, of the Marker Defendants.

Twenty-Eighth Affirmative Defense

Without admitting any allegations contained in the SAC, and while continuing to deny the same, the Marker Defendants aver that any and all damages alleged to have been sustained by Plaintiffs were sustained as a direct result of the actions of others over whom the Marker Defendants had no control or right of control and which constitute an intervening act wherein the Marker Defendants' negligence, if any, was not the proximate cause of Plaintiffs' alleged damages, and as a result, the Marker Defendants should be dismissed.

Twenty-Ninth Affirmative Defense

As against the Marker Defendants, the SAC, and each purported cause of action alleged therein, is barred by Plaintiffs' failure to take reasonable steps to avoid or otherwise mitigate the alleged damages, the existence of which is specifically denied.

Thirtieth Affirmative Defense

The Marker Defendants acted reasonably and in good faith at all times material herein, based on all relevant facts and circumstances known to them at the time they so acted. Accordingly, Plaintiffs are barred, in whole or in part, from any recovery in this action as against the Marker Defendants.

Thirty-First Affirmative Defense

The Marker Defendants state that any fault, if any, of the Marker Defendants must be reduced by the comparative fault of the Plaintiffs and/or the fault and liability of other defendants and/or third parties over whom the Marker Defendants lack control.

Thirty-Second Affirmative Defense

Without admitting any of the allegations of the SAC and still denying the same except as expressly admitted above, the Marker Defendants adopt and incorporate herein by reference any affirmative defense alleged by any other Defendant not set forth above.

The Marker Defendants reserve the right to amend this Answer to add additional defenses and affirmative defenses as discovered in the course of this action.

Prayer for Relief

WHEREFORE, having fully answered, the Marker Defendants pray for relief as follows:

- A. For entry of Judgment in favor of the Marker Defendants and against Plaintiffs;
- B. For an order dismissing the Second Amended Complaint and each cause of action therein with prejudice as against the Marker Defendants;
- C. For an order denying class certification to the Plaintiffs;
- D. For an order finding the Marker Defendants are not at fault for the claims in the Second Amended Complaint or that other parties, including Plaintiffs, other defendants, or third parties, are at fault and that the Marker Defendants fault is de minimis or non-existent after allocating fault to the Plaintiffs, other defendants, and third parties;
- E. For an award of the Marker Defendants' costs, and if applicable, attorneys' fees;
- F. For such further and other relief as the Court deems proper and just.

Dated: January 17, 2025. Respectfully submitted,

RICHARDS BRANDT MILLER NELSON

s/ Steven H. Bergman

s/ Steven H. Bergman
Steven H. Bergman

*Attorneys for Defendants Travis Marker,
Law Office of Travis R. Marker,
a Professional Corporation, and Parlay Law
Group, a Professional Corporation*

1 **Certificate of Service**

2 I hereby certify that on this the day of January, 2025, a copy of the foregoing
3 **Defendants Travis Marker, The Law Office of Travis R. Marker, and Parlay**
4 **Law Group's Answer to the Second Amended Complaint** was served on all
counsel of record in this case by one or more of the following methods in accordance
with the Federal Rules of Civil Procedure:

5 ECF electronic filing
6 E-mail, delivery receipt requested
7 U.S. Mail
8 Hand Delivery
9 Facsimile

10 /s/Steven H. Bergman
11 Steven H. Bergman
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